

drawn upon for the purpose of maintaining sufficient and proper police regulations for the protection of fish and oysters in Maryland waters and in the payment of the officers and men and keeping in repair and supplying the necessary means of sailing the boats and vessels of the state fishery force; and the comptroller is hereby required to state in his annual report particularly the receipts and expenditures on account of said funds and the balance standing to the credit of the State at the time of making such report.

This section referred to in construing sec. 81—see notes thereto. *Foot v. Stanley*, 58 L. Ed. 698.

Cited but not construed in *State v. Applegarth*, 81 Md. 298.

See notes to sec. 34.

### **Painted Numbers for Dredging Vessels.**

An. Code, sec. 32. 1904, sec. 31. 1894, ch. 380, sec. 30. 1910, ch. 413, sec. 31 (p. 208).

**34.** The comptroller shall have painted in black figures on white canvas one number corresponding to the license to catch oysters with scoop, scrape, dredge or other similar instruments; each figure shall be twenty-two inches in length and of proportionate width, and the figures at least six inches apart; and he shall give to each person taking out such license one number thereof, which shall be securely sewed upon the starboard side and in the middle of that part of the mainsail which is above the close reef; this number shall be placed in an upright position and worn at all times during the dredging season, and returned at the end of the season, and shall not be concealed or defaced, and no other number shall be exposed to view or used than that which is furnished by the comptroller. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, as provided in section 19 of this article; and in any such case the boat or vessel shall be forfeited and condemned, in the discretion of the judge, in the manner as provided in section 31.. The provisions of this section shall apply to all boats licensed to take oysters with scrape or scoop by any county in this State, except that the numbers for such boats shall be painted red instead of black; and the numbers shall be delivered by the comptroller to the clerks of the courts as they may be ordered; and at the end of the season all licenses not used shall be returned by said clerks to the comptroller; and the said clerks shall also pay to the comptroller one-half of all moneys received by him for such licenses, which sum shall be placed to the credit of the oyster fund.

Since it is manifest that clerk will receive no money from licenses not used, it is apparent that there is some error in this section. Words "such licenses" as used in last sentence of this section do not refer to licenses used, and hence this section is not in conflict with, and does not repeal, sec. 33 as to amount the clerk is to pay the state from scraping licenses. Sec. 33, and not this section, is the important one. *Smith v. School Commissioners*, 81 Md. 514 (decided prior to the act of 1910, ch. 413).

Under act of 1886, ch. 296, sec. 41, officers of state fishery force have authority to arrest without a warrant. A written charge need not be filed with magistrate. *Kane v. State*, 70 Md. 548.